

1                               IN THE U.S. DISTRICT COURT COURT  
2                               FOR THE EASTERN DISTRICT OF TENNESSEE  
3  
4       LAUREN B. LLOYD                               )  
5    )  
6                               Plaintiff,                               )  
7       v.    )  
8    )  
9       MIDLAND FUNDING, LLC;                        )  
10      MIDLAND CREDIT MANAGEMENT, INC            )  
11      and ENCORE CAPITAL GROUP INC.                )  
12    )  
13                               Defendants.                               )

No. 3:12-CV-566

\* \* \* \* \*

DEPOSITION OF LAUREN B. LLOYD

Thursday, July 25th, 2013

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1 providing that breakdown, they offered a settlement.

2 Q Okay. On that phone call?

3 A Within some short amount of time. I  
4 believe it was on that phone call, but I can't say for  
5 sure.

6 Q So when you made that call, you didn't  
7 dispute that the claim in the lawsuit was accurate, but  
8 you did dispute the amount of the claim?

9 A Yes. I do acknowledge that I did not  
10 pay this as scheduled with Citibank and that there is  
11 something owed. It was the amount that was owed that I  
12 did not agree with.

13 Q And do you recall what kind of a  
14 settlement offer they made during that -- you said it  
15 was within about a week?

16 A I don't remember it but it's whatever  
17 I ended up paying, which --

18 Q My memory is that it was about \$4,000.  
19 Does that sound right? We can find that in here. I  
20 know it's in our documents.

21 A And actually, two of the documents  
22 that are referenced from the same attorney give two  
23 separate amounts as to the amount owed anyway.

24 Q Tell me which two you're talking  
25 about.

1                   A           Page 1 of Exhibit 2 shows a balance of  
2     \$7,288.72. On October 5th in a letter from the same  
3     attorney, it's 7,404.72. And maybe that's the interest  
4     that's allowed. I'm not sure but I think they had  
5     filed a suit, and I didn't know that you accumulated  
6     interest during that time. But maybe you do.

7                   Q           Okay.

8                   A           So even they didn't seem to have the  
9     amount owed correct.

10                  Q           Well, it may be in your answers to  
11     your interrogatories. I may not know the amount  
12     either. At any rate they offered you a settlement  
13     amount that eventually you accepted; correct?

14                  A           Yes. I don't think that time period  
15     was very long. I mean, as soon as they offered a  
16     settlement amount, we verbally agreed and I took the  
17     money in person myself, drove to Knoxville and took the  
18     money myself.

19                               MR. MCDONALD: Chris, paragraph 12 of  
20     the complaint references \$4,000.

21                               THE WITNESS: Okay.

22                               MR. HEINSS: There you go. I knew I  
23     had seen that somewhere. Okay. Good.

24                               THE WITNESS: And I took it in person  
25     because I couldn't get clear answers from them.

1 the question.

2 BY MR. HEINSS:

3 Q That was not a good question. You can  
4 still answer it if you understand it, but I'd like to  
5 rephrase the question.

6 A I don't understand it.

7 MR. MCDONALD: I think she may have  
8 understood it, but I just want to protect the  
9 record.

10 BY MR. HEINSS:

11 Q Did Finkelstein or Midland take any  
12 collection action against you based on that judgment  
13 after the account was settled?

14 A No.

15 Q Okay. That was a better question.  
16 Okay. All right. Let's go back to -- okay. So we  
17 have at some point either late 2011 or early 2012 you  
18 discover through some means that this judgment is still  
19 reported on your credit report.

20 A Or that it was reported at all.

21 Q Or that it was on there?

22 A Yes.

23 Q Okay. I want to go back to those two  
24 myFICO things.

25 A I'm sorry. I found maybe an answer to

1                   Q           Right. And it's your understanding as  
2 we're sitting here if you know, do the credit reporting  
3 agencies take any action on their own to ascertain --

4                   A           I don't know.

5                   Q           Okay. So you're not certain who's  
6 reporting it at that point; correct?

7                   A           I do not know.

8                   Q           Okay. All right. Back to when you  
9 first discovered that there was a judgment on your  
10 credit report, whenever that was, you said that you  
11 started taking action. Aside from the July 21st letter  
12 of 2012, you started taking action with certain people  
13 to try and correct this problem?

14                  A           Yes.

15                  Q           First of all did you ever directly  
16 contact Midland Funding, LLC, to try and correct this  
17 problem other than the July 21st letter?

18                  A           I did not. I first had to figure out  
19 what it was because I knew that I did not have a  
20 judgment against me entered. So I didn't know. As I  
21 had told you, Midland had bought a couple of the credit  
22 card debts, either servicing or bought a couple of the  
23 credit card debt that I had. So because they reference  
24 everything by so many different account numbers, it's  
25 almost impossible to figure out what goes with what.

1                   A           Yeah, over six months after the  
2   lawsuit.

3                   Q           **Right.**

4                   A           So even after filing this for five  
5   months, that stayed on my credit.

6                   Q           **And TransUnion you say took it off**  
7   **almost immediately; correct?**

8                   A           No. I don't know who took it off  
9   when. I know that one by one -- I mean, I've disputed  
10   this thing -- every time I got a new document that  
11   might help, I did it again because I couldn't get any  
12   cooperation from Finkelstein or Midland to help me  
13   say -- because it would have been as simple as Midland  
14   saying it doesn't exist.

15                  Q           **Right. Do you know whether or not**  
16   **Midland made any communications to any of these three**  
17   **credit reporting agencies regarding this judgment?**

18                  A           Don't know whether they did, but I  
19   know by the fair debt collections they should have.

20                  Q           **I'm just asking if you know whether or**  
21   **not they did either way.**

22                  A           I don't know if they did.

23                  Q           **Okay.**

24                  A           I would assume that they did since  
25   they're supposed to.

1                   Q           Do you know whether or not the  
2   Finkelstein firm made any direct communications with  
3   any of these three reporting agencies?

4                   A           I would doubt that they would have  
5   since their answer -- I was pretty content with the  
6   answer they don't report to the credit bureaus, which  
7   made sense to me.

8                   Q           Right. So as we're sitting here, the  
9   one thing we can agree on is the reporting of this  
10  judgment on your credit report has been cleared from  
11  all three of these credit reporting agencies?

12                  A           Now it has.

13                  Q           Now it has. Okay.

14                  A           But at the time of filing this suit,  
15  no.

16                  Q           Right. Gotcha. Okay. Now I want to  
17  talk briefly about -- well, let me make sure I got --  
18  on this particular issue you had said you'd sent this  
19  particular report in writing. You also had mentioned  
20  just now that you had sent some additional documents  
21  and thing to Equifax to get that. Do you have copies  
22  of that correspondence or anything?

23                  A           I don't because all I sent them that  
24  was new information was this order.

25                  Q           Right. Okay.